

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:07CV399-1-MU

JERRY COLE,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
RICK JACKSON, <u>et al.</u> ,)	
)	
Defendants.)	
_____)	

THIS MATTER comes before the Court for an initial review of Plaintiff's Complaint pursuant to 42 U.S.C. § 1983 (Doc. No. 1), filed September 21, 2007.

In his Complaint Plaintiff alleges that Defendants have been deliberately indifferent to his serious medical needs. Plaintiff names Rick Jackson, the superintendent of Lanesboro Correctional Institution; Mr. Stamper, a physician's assistant; Dr. Dawkins, a medical doctor; and Ms. Stevenson, a nursing staff supervisor, as the defendants.

Supervisory liability under § 1983 may not be predicated only on the theory of respondeat superior. See Vinnedge v. Gibbs, 550 F.2d 926, 929 (4th Cir. 1977). Section 1983 requires a showing of personal fault on the part of a defendant either based on the defendant's personal conduct or another's conduct in execution of the defendant's policies or customs. See Fisher v. Washington Metropolitan Area Transit Author., 690 F.2d 1133, 1142-43 (4th Cir. 1982). A review of Plaintiff's Complaint reveals that Plaintiff does not allege any personal conduct by Defendants Jackson, Dawkins, and Stevenson. Nor does Plaintiff allege that others acted pursuant to the policy or custom of these Defendants. Consequently, Defendants Jackson, Dawkins, and Stevenson are dismissed

from this case.

After a careful review of the record, the Court finds that Defendant Stamper should file an answer detailing Plaintiff's allegations and responding to each.

IT IS THEREFORE ORDERED THAT:

1. Defendants Rick Jackson, Dr. Dawkins, and Ms. Stevens, are **DISMISSED** from this lawsuit; and

3. The Clerk shall issue summons and deliver it forthwith to the U. S. Marshal who will make service of process on Defendant Stamper without additional cost.

Signed: October 9, 2007

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

